

Brunswick Ethics Commission

Minutes

July 20, 2005

Commission Members Present: Chair Jamie Eshbaugh, Vice Chair Carroll Haugh, and Robert Ward

Mayor & Council Present: Mayor Carroll Jones

Staff Present: City P & Z Administrator Rick Stup, Temporary Staff Liaison; Paul Rose, City Attorney; and Development Review Planner Jeff Love

Minutes

The minutes of the June meeting were reviewed and approved. (MOTION by Mr. Haugh and seconded by Mr. Ward unanimously passed.)

Chairperson Eshbaugh called the meeting to order at 7:00 PM.

Chair:

Mayor Jones had a few comments and distributed ethics related material to the Commission that he had collected at the annual Summer MML Conference.

Old Business:

Member Liability Issue

Review Member Liability Issue from last meeting.

Mr. Rose provided the Commission with the information that he researched at the request of the Commission during the June meeting, and answered Commissioner questions.

Draft Ordinance

Review draft Ordinance to amend the Ethics Ordinance to increase the number of members on the Commission from three (3) to Five (5).

Messrs. Stup and Rose presented the draft Ordinance to enlarge the Ethics Committee to five (5) members, explained the process, and answered Commission questions.

The question of wording of Town or City arose and was answered by Mr. Rose.

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Old Business Cont.

Draft Ordinance Cont.

The schedule for the ordinance was discussed. The Mayor agreed that it could be placed on the July 26 Mayor & Council Agenda as an information item. Staff would advertise for a Public Hearing for the August 9 Mayor & Council Meeting, and it would be acted upon at the same meeting under Administrative business. If successful, it would take effect in fifteen days on August 24. The appointment vacancies could be during the waiting period, and the Mayor could fill them at the September 13 Mayor & Council Meeting prior to the September Ethics Commission Meeting.

Decision

Mr. Haugh made a motion to approve the draft Ordinance and have Staff forwarded it with a recommendation of approval to the Mayor & Council; Ms. Eshbaugh seconded the motion.

VOTE: Yea 3 Nay 0

Financial Disclosures

Messrs. Stup and Rose reviewed with the Commission existing Ethics Ordinance requirements for annual financial disclosures. It was stated that this is one of the requirements of the State Ethics Law. Records indicate that the disclosures have never been required since the adoption of the Ethics Ordinance on January 10, 1984. It was suggested that a grace period be initiated to notify the appropriate officials, employees, and Boards/Commissions of the requirement, and that it will be enforced beginning this Fiscal Year (July 1) with the reporting period from July 1 to December 31 and filed by January 31, 2006. After that, the Calendar Year Reports are due in accordance with the Ethics Ordinance.

The list of those directly affected and referenced in the current ordinance (Title 3, Section 2-3301) is the following:

1. All elected officials (Mayor & Commissioners)
2. Department Heads
3. Administrative Assistant, Treasurer, Clerk/Secretary, and Assistant Clerk/Secretary
4. Members of all boards and commissions

Mr. Stup noted that titles and positions have changed due to the organization within the City Staff and Departments. The following was clarified:

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Old Business Cont.

Financial Disclosures Cont.

1. Commissioners are the Council
2. The following are Department Heads:
 - Chief of Police
 - Superintendent Public Works
 - Superintendent Wastewater
 - Superintendent Water
3. Administrative Assistant is the City Administrator, who also serves as the Clerk/Secretary.

Treasurer is the City Accountant.

There is no equivalent position for the Assistant Clerk/Secretary.

4. Members of all boards and commissions is self-explanatory and includes:
 - Planning Commission
 - Board of Appeals
 - Economic Development Commission
 - Ethics Commission

The Mayor was asked if he acknowledged that he concurred with the clarification of positions. He also suggested that the City Attorney investigate one change that would correct the titles. Mr. Rose indicated that he would consult with Dave Severn on the matter and notify Staff since it was not a matter for the Ethics Commission to initiate.

It was discussed and agreed that, once the forms are approved by the Commission, Staff would mail reminder letters with the form each November. A procedure for review of the Financial Disclosures is needed. Also, it was suggested that an information session be scheduled for all affected by the requirement with regards to completion of the forms. Mr. Stup suggested that, after the forms and review procedures have been approved, Staff be instructed to contact the Mayor and City Administrator to discuss a meeting similar to periodic HR Meetings to educate the affected people and employees of the Ethics Reporting Requirements and the existence of the Ethics Ordinance.

Decision

Mr. Haugh made a motion to send a letter to the appropriate officials, employees, and Boards/Commissions informing them of the Disclosure Requirement, enforcement of the

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Old Business Cont.

Financial Disclosures Cont.

Ordinance will be for the period required beginning July 1, 2005 ending December 31, 2005 and due by January 31, 2006, and subsequent calendar years will be enforced in accordance with the ordinance; Mr. Ward seconded the motion.

VOTE: Yea 3 Nay 0

The Commission instructed staff to research and draft standard forms for review and approval for use. In addition, Staff was asked to draft the letter for review by the Chair and City Attorney, and mail it under Staff signature to the appropriate individuals.

Review of Ethics Ordinance

Review of the existing City of Brunswick Ethics Ordinance for any non-compliance items and how to proceed to correct the issue.

Messrs. Stup and Rose reviewed with the Commission existing Ethics Ordinance for other areas that non-compliance is occurring, areas of non-compliance that require immediate attention, and areas that need to be amended. Those include Election Disclosures and the Lobbying Disclosures.

It was agreed to look at all of the revision comprehensively and prepare one draft Ordinance of amendments to be forwarded to the Mayor & Council for action with the exception of the Election Disclosures. Staff and the City Attorney are to investigate this issue and have information for discussion at the next Commission Meeting.

Brunswick Police Department Standard of Ethics

Review of Brunswick Police Department General Order Manual, Standards of Conduct 100, 100.1 Ethics.

Mr. Stup reviewed the Police Department Standard of Ethics with the Commission, and discussed whether the Police Department should be exempted from the City Ethics Ordinance.

Decision

Mr. Haugh made a motion not to exempt the Police Department from the City Ethics Ordinance; Mr. Ward seconded the motion.

VOTE: Yea 3 Nay 0

Staff was asked to draft the letter for review by the Chair and City Attorney, and mail it

Old Business Cont.

Brunswick Police Department Standard of Ethics Cont.

under Staff signature to the Chief of Police.

Ethics Ordinance Revision

Review of Ethics Ordinances from selected other jurisdictions for potential recommendations for revisions to the City of Brunswick Ethics Ordinance.

Messrs. Stup and Rose led the Commission in a discussion how to proceed with evaluation of Ordinances from other jurisdictions and which jurisdictions they wanted to consider, if any, to assist in amending the City Ethics Ordinance. There was discussion with regard to drafting a completely new ordinance, but consensus was to work within the existing text for amendment. It was agreed that the commission members would look at the various ordinance, make notes with questions and potential inclusion into the City Ordinance, and be prepared to begin work on potential revisions at the September Meeting. Also, a Strategy for the work perhaps by Titles/Sections was suggested.

Commission Work Goals

Establish the work goals for the Commission and a tentative schedule.

This item was continued from the last meeting. The Commission discussed the workload and how to proceed. After considerable discussion, it was agreed that the Commission Meetings would be held to 1.5 hours and each meeting there would be work on the proposed amendments. Staff is to develop a draft Strategy by Title/Section with goal dates for completion of each for the Commission to consider at the next meeting.

New Business: None

Comments:

It was restated that the following would be completed for the next meeting:

- Staff is to forward the recommendation to approve the proposed ordinance amendment to increase the members of the commission and proceed with the Ordinance for Mayor & Council Action.
- Staff is to verify the existence of all Boards/Commissions with the Mayor.
- Staff and the City Attorney are to obtain Disclosure Forms from other jurisdictions for the Commission to use in developing forms for the City.
- Staff is to draft a letter with regard to the Financial Disclosures for review by the Chair and City Attorney, and mail it under Staff signature to the appropriate individuals

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Comments Cont.

- Staff and the City Attorney are to investigate the Election Disclosures Issue and have information for discussion at the next Commission Meeting.
- Staff is to draft a letter with regard to not exempting the Police Department from the City Ethics Ordinance the letter for review by the Chair and City Attorney, and mail it under Staff signature to the Chief of Police.
- Ethics Ordinance Revision work to be scheduled for the September 21 Meeting.
- Staff is to develop a draft Strategy by Title/Section with goal dates for completion of each for the Commission to consider at the next meeting.

Mr. Stup reminded the Commission that the next meeting is August 17, 2005 at 7:00 PM.

Adjournment

The meeting was adjourned at 8:15

Respectfully submitted,

Jamie Eshbaugh, Chair
Brunswick Ethics Commission